

Sixth Appellate District

San Jose, California

TUESDAY, SEPTEMBER 2, 2003

H024574 PEOPLE v. RED

The judgment is modified to strike two of the five-year Penal Code section 667, subdivision (a) enhancements. As so modified the judgment is affirmed. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)  
Filed September 2, 2003

H025188 In re ALEJANDRO J.; DFCS v. CANDIDA E.

By the Court\*:

Appellant's petition for rehearing is denied.  
Filed: September 2, 2003

\*Before Elia, Acting P.J. and Mihara, J.

WEDNESDAY, SEPTEMBER 3, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; M. Yerly, Clerk/Administrator, and J. Michel Casique, Deputy Clerk.

H025942 In re DAVID G., et al.; DFCS v. JULIE V.

Cause called for hearing on Order to Show Cause with Appellant Elizabeth Zuniga and Appellant Julie Verdugo present. Appellant Zuniga returns to the Court volumes seven through nine of the clerk's transcripts. The Court orders the matter continued to September 17, 2003, at 9:30 a.m. for further hearing. Appellants Zuniga and Verdugo are ordered to appear at that time. Court stands in adjournment.

THURSDAY, SEPTEMBER 4, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Bamattre-Manoukian, J.; and J. Michel Casique, Deputy Clerk.

H024035 PEOPLE v. TABAREZ

Cause called and argued by Jonathan Grossman appearing for Appellant and by Linda M. Murphy, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, September 4, 2003 (continued)

H024230 PEOPLE v. TAUFA

Cause called and argued by Judy Faye Conard appearing for Appellant and by Martin S. Kaye, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024716 PEOPLE v. YEPEZ

Cause called and argued by Richard L. Rubin appearing for Appellant and by Martin S. Kaye, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024035 PEOPLE v. JACK

Cause called and argued by Paul Couenhoven appearing for Appellant and by Nanette Winaker, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022877 PEOPLE v. TIANO

Cause called and argued by Arthur Dudley appearing for Appellant Tiano and by Rene A. Chacon, Deputy Attorney General, appearing for Appellant The People. Cause ordered submitted.

H024600 In re Marriage of BRINKMAN

Cause called and argued by Jeralyn Kay Spradlin appearing for Appellant and by Delman W. Smith appearing for Respondent. Cause ordered submitted. Court stands in adjournment.

H025415 THE PEOPLE v. KENNETH T.

The judgment is affirmed. (not published)  
(Wunderlich, J.; We concur: Elia, Acting P.J., Mihara, J.)  
Filed September 4, 2003

Sixth Appellate District

San Jose, California

Thursday, September 4, 2003 (continued)

H022435 CHERITON v. FRASER

We reverse the October 2000 order to the extent that its determinations concerning child support and spousal support are inconsistent with the law of the case as established in *Cheriton*. We remand the matter to the trial court with the following instructions. 1. Child Support The court shall strike that portion of its October 2000 order that incorporates the procedure for future modification of child support, which we deemed impermissible in *Cheriton*. As directed in *Cheriton*, the trial court shall reconsider the children's reasonable needs in light of their parents' respective assets and income. The court shall consider and make appropriate findings on the question of whether imputing earning capacity to Iris is in the children's best interests. 2. Spousal Support In setting the amount of spousal support, the court shall consider the applicable statutory factors, including David's ability to pay, Iris's need for support, and substantial justice between the parties. In addition, the court shall reconsider the step-down provision as it relates to support for 1999 and 2000, giving due regard to its effect on Iris's separate property assets. Appellant, Iris Fraser shall have costs on appeal. (not published)  
(Wunderlich, J.; We concur: Rushing, P.J., Premo, J.)  
Filed September 4, 2003

FRIDAY, SEPTEMBER 5, 2003

H023886 PEOPLE v. DONELSON

H025949 In re DONELSON on Habeas Corpus

The judgment is reversed. The matter is remanded for a probation revocation hearing before Judge Ahern. The petition for writ of habeas corpus is denied. (not published)  
(Mihara, J.; We concur: Elia, Acting P.J., Wunderlich, J.)  
Filed September 5, 2003

H024734 IOANE, et al. v. FIRE INSURANCE EXCHANGE

The judgment of dismissal is affirmed. FIE is entitled to its costs on appeal. (not published)  
(Elia, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)  
Filed September 5, 2003

Sixth Appellate District

San Jose, California

Friday, September 5, 2003 (continued)

H025469 In re JOSE S.; DFCS v. CARLA M.

The orders are affirmed. (not published)

(Mihara, J.; We concur: Elia, Acting P.J., Wunderlich, J.)

Filed September 5, 2003

H024839 PEOPLE v. KIDANE

The judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed September 5, 2003

H025664 In re ANTHONY J.; DFCS v. YESENIA J.

The juvenile court's order denying the mother's section 388 petition for modification is affirmed. The order terminating parental rights is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed September 5, 2003